

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 28, 2010

DIVISION TWO

B215795 People
v.
Bravo

(Not for Publication)

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B216553 People (Not for Publication)
v.
Foley

We modify the judgment to strike the one-year prior prison term enhancements imposed under section 667.5, subdivision (b) based on the prior conviction in case No. YA026853 as to counts 1 and 2. Defendant's sentence for count 1 shall be reduced from 35 years to life to 34 years to life. Defendant's consecutive sentence for count 2 shall be reduced from 35 years to life to 34 years to life. The trial court shall send a copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

April 28, 2010 (Continued)

DIVISION TWO (continued)

B208045 Ross (Not for Publication)
v.
Ross

The judgment is affirmed. Wife is awarded her costs on appeal.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B218648 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Melissa S. and Manuel F.

The orders are affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

[illegible]

The matter is remanded to the superior court with directions to prepare a new abstract of judgment showing that the eight-month term imposed in case number TA085852 is to run concurrently with the 11-year term, for a total term of 11 years and eight months, and to forward the modified judgment to the correction officials. As modified, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

April 28, 2010 (Continued)

DIVISION TWO (continued)

B215311 People (Not for Publication)
v.
Valentine, et al.

The judgments are affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B217978 People (Not for Publication)
v.
Williams

The Court:

The judgment under review is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B213965 Douglas R. Ring, Inc., et al. (Not for Publication)
v.
Joseph A. Marasco, et al.

The award of \$397,708.81 in favor of Marina Admiralty is reversed. The award of \$1.65 million in attorney fees and costs in favor of the cousins is affirmed. The parties shall bear their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B214976 People
v.
Castillo

Filed order denying petition for rehearing.

DIVISION THREE

B206583 People (Not for Publication)
v.
Amy Lynn Preasmyer

The judgment is reversed as to count 4, solicitation of murder. The court construction fine in the amount of \$5,000 plus \$30 is stricken. Defendant is awarded an additional 160 days of worktime credit. The clerk of the superior court is directed to modify the abstract of judgment and to forward the modified abstract to the Department of Corrections. The judgment is otherwise affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B219278 People (Not for Publication)
v.
Christopher Anthony Gutierrez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B215837 Serrano, et al. (Certified for Publication)

v.

Stefan Merli Plastering Company, Inc., etc.

Coast Court Reporters, Inc.

The order is affirmed. Respondent to recover costs on appeal.

Aldrich, J.

I concur: Klein, P.J.

I dissent: Croskey, J. (Opinion)

DIVISION SIX

B218304 People (Not for Publication)

v.

Nadejda Georgi Kachlakeva

The judgment and the restitution order are affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.

Perren, J.

B217694 People (Not for Publication)

v.

Thomas Jonathan Adkins

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.

Perren, J.

DIVISION SIX (continued)

B213287 Precision Manufactured Developments, Inc. (Not for Publication)
v.
Neilson, etc.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B219181 People (Not for Publication)
v.
Godwin

The commitment order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B217233 People (Not for Publication)
v.
Clarke

The judgment (order of commitment) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B219066 D. Larson et al. v. Las Posas Homeowners Association
B221958 D. Larson et al. v. Las Posas Homeowners Association

Filed order consolidating above captioned appeals.

DIVISION SEVEN

B217207 Mariah Garcia (Not for Publication)
v.
Oceans Sports Bar, Inc., et al.

The judgment is affirmed. Defendants are to recover costs on appeal.

Jackson, J.

We concur: Woods, Acting P.J.
 Zelon, J.

B213636 Frederick T. Scalzo, et al. (Not for Publication)
v.
American Express Company, et al.

The judgment as to Martin R. Scalzo is reversed and the matter is remanded for further proceedings consistent with this opinion. AS to the remaining respondents the judgment is affirmed. Appellant is to recover his costs on appeal as to Martin Scalzo. All other respondents are to recover their costs on appeal from appellant.

Zelon, J.

We concur: Woods, Acting P.J.
 Jackson, J.

B210936 People (Not for Publication)
v.
Abundis

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

DIVISION SEVEN (continued)

B216864 People (Not for Publication)
v.
Hammler

The judgment is ordered modified to stay the sentences imposed on counts 5 and 6 under section 654. The clerk of the superior court is ordered to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

[illegible]

On count 6, the true finding on the section 12022.53, subdivision (c) enhancement must be stricken. On count 1, the 10-year enhancement under section 186.22, subdivision (b)(1)(C) is vacated and is replaced by a 15-year minimum parole eligibility term for the attempted murder under section 186.22, subdivision (b)(5). The execution of sentence on counts 5 and 6 is stayed pursuant to Penal Code section 654. The criminal street gang enhancements under Penal Code section 186.22, subdivision (b)(1)(B) are stricken on counts 4 and 5 and the matter is remanded for resentencing on those counts pursuant to Penal Code section 186.22, subdivision (b)(1)(A). In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

DIVISION SEVEN (continued)

B215109 People v. Herrera (Not for Publication)

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

B219388 Margaret Andrews, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
Coordinated Care Center, Inc. et al., r.p.i.

Let a peremptory writ of mandate issue directing the superior court to vacate its protective orders and its sanctions order, and to enter two new protective orders as follows: With respect to the document production requests, the court is directed to enter a new order requiring the production of the requested job performance evaluations and employee discipline records (1) concerning patient care; (2) for those employees who provided care to Angelo; (3) for the time period 2003 through 2006; and (4) with the identifying information of the employees redacted. With respect to the special interrogatories, the court is directed to enter a new order allowing disclosure and contact only if the witness consents by means of an opt-in procedure. The order to show cause, having served its purpose, is discharged. Petitioners shall recover their costs.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (continued)

B215248 People (Not for Publication)
v.
Williams

Probation Condition No. 19 is modified to read as follows: "Do not own, use, possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers, or sellers *are known by you* to congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized treatment program." In all other respects, the judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

B212750 Sylvia Aguirre, et al. (Not for Publication)
v.
Emily Chen, et al.

The judgment is reversed as to Aguirre's and Borrell's first five causes of action, and this matter is remanded to the trial court for further proceedings consistent with this opinion. Chen's cross-appeal is dismissed as moot. Aguirre and Borrell are awarded their costs of appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

April 28, 2010 (Continued)

DIVISION SEVEN (continued)

B218287 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B216363 People (Not for Publication)
v.
Brandon Anthony Dean

The trial court is directed to correct the abstract of judgment to add the finding of a minimum parole eligibility date of 14 years on count 1. A certified copy of the corrected abstract of judgment shall be delivered to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Bigelow, P.J.
Grimes, J.

B211833 People
v.
Alfonso Armando Gonzalez

Filed order denying petition for rehearing.